

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No.: 10/511,421

Applicant: Joseph Paternoster

Filing Date: October 14, 2004

Docket No.: 298.41

Customer No.: 08586

Confirmation No.: 4654

Group Art Unit: 3739

Examiner: ROANE, AARON F.

**RESPONSE TO OFFICE ACTION  
DATED APRIL 2, 2007**

USE OF THERMOREGULATORY  
For: MATERIAL TO IMPROVE EXERCISE  
PERFORMANCE

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**CERTIFICATION OF MAILING**

I hereby certify that this document is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date Apr 23, 2007

By: Fern Marder

Fern Marder

Dear Sir:

Applicant submits this amendment in response to an Office Action dated April 2, 2007. Since this response is being mailed before the three (3) month due date, applicant does not believe that a fee is due. The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 04-0822. Applicant respectfully requests reconsideration and allowance of the pending claims in view of the remarks presented herein.

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of this paper.

**Remarks/Arguments** begin on page 6 of this paper.